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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,474	10/23/2001	Ronald Arthur Frank	1156.1101101	4062
22474	7590	01/24/2006	EXAMINER	
DOUGHERTY CLEMENTS 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211			KHOO, FOONG LIN	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/047,474

Applicant(s)

FRANK ET AL.

Examiner

F. Lin Khoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 4 rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Brewer et al. (U.S. Patent No. 6,226,269).

Regarding Claim 1, the applicant's admitted prior art discloses an apparatus comprising: (a) a frame de-encapsulation component (Figure 1 (Prior Art), element 40, Page 4, lines 7-8) configured for producing data frames compatible with said receiver from SONET frames input (Figure 1 (Prior Art), elements 12 and 30 wherein SONET frames are input into a frame de-encapsulation component) thereto, and outputting said receiver-compatible data frames (Figure 1 (Prior Art), elements 65 and 68); (b) an idle frame signal generator configured for generating idle frame signals (Figure 1 (Prior Art), element 50, Page 4, lines 10-11).

The applicant's admitted prior art does not disclose an apparatus for detecting and suppressing corrupted data frames transported from a SONET network to a

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receiver utilizing buffer-to-buffer credit counting means to control the flow of data frames thereto, said apparatus comprising: (c) a Start of Frame (SOF) indicator detector configured for detecting a Start of Frame indicator in each said receiver-compatible data frame output from said frame de-encapsulation component and determining whether said Start of Frame indicator is valid or corrupted, wherein said detector produces an output signal indicative of said determination; and, (d) a multiplexer configured for selecting for output to said receiver one of a first and a second signal input thereto on the basis of said output signal produced by said Start of Frame (SOF) indicator detector wherein said first input signal is a current said receiver-compatible data frame and said second input signal is said idle frame signal, said first input signal being selected when said output signal produced by said Start of Frame (SOF) indicator detector indicates that said Start of Frame indicator is valid and said second input signal being selected when said output signal produced by said Start of Frame (SOF) indicator detector indicates that said Start of Frame indicator is corrupted.

Brewer et al. in the same field of endeavor, discloses an apparatus for detecting and suppressing corrupted data frames transported from a SONET network to a receiver utilizing buffer-to-buffer credit counting means to control the flow of data frames thereto, said apparatus comprising: (c) a Start of Frame (SOF) indicator detector (Fig. 4B, element 454, col 7, lines 6-11) configured for detecting a Start of Frame indicator in each said receiver-compatible data frame output from said frame de-encapsulation component (Fig. 4B, element 452, col 6, lines 40-44) and determining whether said Start of Frame indicator is valid or corrupted, wherein said detector produces an output

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signal indicative of said determination (Fig. 4B, elements 454 and 456, col 6, lines 11-52. Output control circuit 456 is connected to a control input of multiplexer 458 to select the data input of multiplexer 458 to connect to outgoing loop link 464 depending on the detector's determination); and, (d) a multiplexer (Fig. 4B, element 458) configured for selecting for output to said receiver one of a first (Fig. 4B, element 452 to input port A of MUX (458)) and a second signal (Fig. 4B, element 460 to input port B of MUX (458)) input thereto on the basis of said output signal produced by said Start of Frame (SOF) indicator detector (Fig. 4B, output of CONTROL (456) to top of MUX (458)) wherein said first input signal is a current said receiver-compatible data frame (Fig. 4B, element 452 to input port A of MUX (458). Col 6, lines 17-19) and said second input signal is said idle frame signal (Fig. 4B, element 460 to input port B of MUX (458). The EOFA GENERATOR (460) is a primitive generator (col 6, lines 21-23. In the Fibre Channel (FC)-2 layer, the idle signal is part of the primitive signals.) said first input signal being selected when said output signal produced by said Start of Frame (SOF) indicator detector indicates that said Start of Frame indicator is valid (col 6, lines 40-44) and said second input signal being selected when said output signal produced by said Start of Frame (SOF) indicator detector indicates that said Start of Frame indicator is corrupted (col 6, lines 45-52).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings as taught by Brewer et al. in the applicant's admitted prior art to provide an apparatus and method for replacing

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invalid data and invalid control signals in a loop network to prevent errors from propagating throughout the loop.

Regarding Claim 2, the applicant's admitted prior art discloses wherein said receiver is for a fibre channel (FC) link (Figure 1 (Prior Art), element 70, Page 3, lines 17-20). A Fiber Channel Client receiver connected to the output of the Mux (element 60) via a Fiber Channel (FC) link) is shown in Figure 1).

Regarding Claim 3, the applicant's admitted prior art discloses a method comprising: (a) receiving SONET frames from said SONET network and producing data frames compatible with said receiver from said received SONET frames (Figure 1 (Prior Art), element 40, Page 4, lines 7-8. Figure 1 (Prior Art), elements 12 and 30 wherein SONET frames are input into a frame de-encapsulation component. Figure 1 (Prior Art), elements 65 and 68).

The applicant's admitted prior art does not disclose a method for detecting and suppressing corrupted data frames transported from a SONET network to a receiver utilizing buffer-to-buffer credit counting means to control the flow of data frames thereto, said method comprising: (b) detecting a Start of Frame indicator in each said receiver-compatible data frame and determining whether said Start of Frame indicator is valid or corrupted; and, (c) selecting for output to said receiver a current said receiver-compatible data frame when said Start of Frame indicator is valid and selecting for output to said receiver said idle frame signal when said Start of Frame indicator is

corrupted.

Brewer et al. in the same field of endeavor, discloses a method for detecting and suppressing corrupted data frames transported from a SONET network to a receiver utilizing buffer-to-buffer credit counting means to control the flow of data frames thereto, said method comprising: (b) detecting a Start of Frame indicator in each said receiver-compatible data frame and determining whether said Start of Frame indicator is valid or corrupted (Fig. 4B, elements 454 and 456, col 6, lines 11-52. Output control circuit 456 is connected to a control input of multiplexer 458 to select the data input of multiplexer 458 to connect to outgoing loop link 464 depending on the detector's determination); and, (c) selecting for output to said receiver a current said receiver-compatible data frame when said Start of Frame indicator is valid and selecting for output to said receiver said idle frame signal when said Start of Frame indicator is corrupted (col 6, lines 40-52).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings as taught by Brewer et al. in the applicant's admitted prior art to provide an apparatus and method for replacing invalid data and invalid control signals in a loop network to prevent errors from propagating throughout the loop.

Regarding Claim 4, the applicant's admitted prior art discloses whereby said receiver is for a fibre channel (FC) link (Figure 1 (Prior Art), element 70, Page 3, lines

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17-20). A Fiber Channel Client receiver connected to the output of the Mux (element 60) via a Fiber Channel (FC) link) is shown in Figure 1).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4 have been fully considered but they are not persuasive. Examiner appreciates detailed description of prior art.

Regarding Claims 1-4, Applicant argues Brewer et al. does not disclose the transmission of an idle frame in response to a corrupted SOF. Examiner contends Brewer et al. sets the frame error flag in response to detecting invalid data or invalid primitives inside a data frame and in response to the frame error flag a valid primitive is substituted for the invalid primitive wherein the idle signal is inherently part of the primitive signal and this is associated with transmission of an idle frame in response to a corrupted SOF (col 4, lines 60-65).

With regards to buffer-to-buffer credit, the Applicant did not provide a descriptive disclosure of the technical meaning of the buffer-to-buffer credit in the detailed description as is given in the response to non-final office action. Furthermore, in response to applicant's arguments, the recitation "buffer-to-buffer credit" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a



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process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-4 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed on 10/19/2005. In that paper, applicant has stated "buffer-to-buffer credit" as part of applicant's inventive concept and this statement indicates that the invention is different from what is defined in the claim(s) because "buffer-to-buffer credit" is only mentioned in the preamble and not in the body of the claims.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Lin Khoo whose telephone number is 571-272-5508. The examiner can normally be reached on flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WELLINGTON CHIN**  
**ADVISORY PATENT EXAMINER**